

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
C.A. No: 2021-CP-10-_____

JERRY DAVIS,
Plaintiff,

vs.

BI-LO, LLC
Defendant.

SUMMONS

(Jury Trial Demanded)

TO: DEFENDANT HEREIN:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action of which a copy is herewith served upon you, and to serve a copy of your Answer on the subscribers at their office, 613 Long Point Road Suite 100 Mount Pleasant, South Carolina 29464, within thirty (30) days after the service hereof, exclusive of the day of such service; and if you fail to answer the Complaint within the time aforesaid, Plaintiff will apply to the Court for relief demanded in the Complaint.

RIESEN DURANT, LLC

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August 31, 2021
Mount Pleasant, South Carolina

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COUNTY OF CHARLESTON

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C.A. No: 2021-CP-10-_____

JERRY DAVIS,
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Defendant.

COMPLAINT

(Jury Trial Demanded)

TO THE ABOVE-NAMED DEFENDANT:

The Plaintiff above-named, complaining of the Defendant above-named, alleges and says as follows:

1. That the Plaintiff (hereinafter referred to as “Mr. Davis”) is a citizen and resident of the County of Charleston, State of South Carolina.

2. That upon information and belief, the Defendant, BI-LO, LLC, (hereinafter, “Bi-Lo”), is a foreign corporation organized and existing under the laws of the State of Delaware and operating under the laws of South Carolina and owns and/or manages or leases the property located at 860 Folly Road Charleston, South Carolina in the County of Charleston.

3. That this Honorable Court has jurisdiction over the parties herein and the subject matter of this action.

4. Venue is appropriate in this forum because all acts and/or omissions related to this litigation occurred in whole or in part in Charleston County, South Carolina.

5. That on or about February 24, 2020, Mr. Davis, an invitee, was shopping at Bi-Lo located at 860 Folly Road Charleston, South Carolina.

6. That Mr. Davis entered the restroom on the premises of Defendant and encountered an unreasonably dangerous condition then and there existing.

7. That when Mr. Davis attempted to open the stall door to the bathroom, suddenly and without warning, the stall door broke free and crashed upon Mr. Davis causing Mr. Davis to crash upon the floor and causing him to be injured about his body.

8. That the Defendant, Bi-Lo, their agents and employees are responsible for the construction, maintenance, repair and/or upkeep of the men's bathroom stall door located at 860 Folly Road Charleston, South Carolina.

9. That upon information and belief, all Defendants knew or should have known that a hazardous condition existed prior to the incident for reasons including, but not limited to, regular maintenance, inspection and/or activities of their agents and employees in the area.

10. That at all times herein, all Defendant owed Mr. Davis a duty of care to maintain the bathroom in a safe condition for its intended use; to inspect the stall doors and surrounding area to discover hazardous conditions; and to warn of, repair and eliminate unreasonable risks within the area of invitation.

11. That the Plaintiff was an invitee at the subject location, having entered the premises upon a matter of advantage to the Defendant with an express or implied invitation in connection with the Defendant's business and was owed the highest duty of care under South Carolina law by the Defendant who are required to exercise care for the Plaintiff's safety.

12. That the Defendant breached its duty to Mr. Davis by failing to take adequate measures to protect Mr. Davis from the hazardous condition.

13. That the Defendant was negligent, grossly negligent, willful, wanton and reckless in the following particulars, to wit:

- a) Failing to maintain the premises;
- b) Failing to exercise due care;

- c) Failing to do what a reasonable person or entity would have done under the circumstances;
- d) Failing to repair the bathroom stall door;
- e) Failing to warn Mr. Davis;
- f) Failing to take corrective measures to correct known problems with the bathroom stall door;
- g) Failing to take proper precautions to ensure that no unreasonably dangerous conditions existed;
- h) Failing to keep the bathroom and surrounding area in a reasonably safe condition for consumers, guests, invitees and visitors who may be present thereon;
- i) In violating any applicable statutes, laws, rules, guidelines, regulations, codes, technical specifications, methods, practices, procedures, and/or protocols, including those of the Defendant;
- j) In failing to provide adequate and proper training and supervision to their agents, servants and employees;
- k) For such other acts and omissions that may become more apparent through discovery in this matter.

14. That at all times relevant, the Defendant knew, or should have known, had actual notice, or had constructive notice of the dangerous and hazardous condition which caused the damages described herein, including the above specifications of gross negligence, recklessness, willfulness, and wantonness regarding the said area which was under the direct ownership, dominion, possession or control of the Defendant by and through it's agents, servants and employees acting within the scope of their duty.

15. That as a direct and proximate result of the negligence, gross negligence, recklessness, willfulness and wantonness of all Defendant, Mr. Davis suffered the following damages:

- a) Painful injuries about various parts of his body;

- b) Medical expenses and transportation costs connected with medical treatment;
- c) Future medical expenses;
- d) Past, present, and future pain and suffering;
- e) Humiliation and embarrassment;
- f) Alteration of lifestyle;
- g) Mental anguish and distress;
- h) Loss of enjoyment of life;
- i) Out of pocket expenses;
- j) Potentially permanent impairment.

WHEREFORE, Mr. Davis prays for judgment against the Defendant in an amount of actual and punitive damages, if so awarded by a jury, that will fully, fairly and justly compensate her for injuries sustained and for such other and further relief as may be deemed appropriate by the judge or jury.

Respectfully submitted,

RIESEN DURANT, LLC

S/G. Rutledge DuRant

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